

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CHARLES S. OAKES,

Plaintiff,

v.

No. 2:22-cv-00224-SMV-GJF

HONEYWELL INTERNATIONAL, INC.,  
a Delaware Corporation; NATIONAL TECHNOLOGY  
AND ENGINEERING SOLUTIONS OF  
SANDIA, LLC, a Delaware Corporation  
and wholly-owned subsidiary of Honeywell  
International, Inc.; CAROL ADKINS; and  
PAUL SHOEMAKER,

Defendants.

**MOTION TO DISMISS**

Defendants National Technology and Engineering Solutions of Sandia, LLC (“Sandia”), Honeywell International, Inc. (“Honeywell”), Carol Adkins, and Paul Shoemaker (collectively, the “Individual Defendants”) move to dismiss Plaintiff’s claims under Federal Rule of Civil Procedure 12(b)(1), or alternatively 12(b)(6); and Honeywell separately moves to dismiss Plaintiff’s claims under Rule 12(b)(2), on the following grounds:

1. Plaintiff’s claims are barred by the federal enclave doctrine because they relate to employment practices on a federal enclave, and are founded on state law not in effect at the time Kirtland Air Force Base became a federal enclave.

2. The Court lacks personal jurisdiction over Honeywell, and the acts of Sandia cannot be attributed to Honeywell for purposes of establishing personal jurisdiction.

3. Plaintiff has failed to state a claim against Honeywell because Honeywell did not employ Plaintiff and is not responsible for the acts of Sandia and its employees alleged in the Complaint.

4. Plaintiff has failed to state a claim against the Individual Defendants for wrongful termination of his employment because he has not alleged that the Individual Defendants acted outside the scope of their employment with Sandia, and the Individual Defendants would not be parties to the alleged implied contract.

5. Plaintiff has failed to state a claim for violation of New Mexico's Racketeering Act.

6. A Memorandum Brief is being filed contemporaneously with this Motion.

7. Plaintiff does not concur in this Motion.

WHEREFORE, Defendants respectfully request that the Court dismiss this entire action under the federal enclave doctrine, and dismiss the claims against Honeywell under Rule 12(b)(2). In the alternative, all claims except Counts I and II against Sandia must be dismissed under Rule 12(b)(6).

Respectfully submitted,

STELZNER, WINTER, Warburton,  
Flores & Dawes, P.A.

*Attorneys for Defendants*

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By: /s/ Quentin Smith  
Quentin Smith  
Jaime L. Dawes

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th day of April, 2022, I filed the foregoing electronically through the CM/ECF system, which caused counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Quentin Smith